

UNITED STATES DISTRICT OF WISCONSIN  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SAMUEL HAYWOOD MYLES,  
PLAINTIFF,

vs.

MEDICAL STAFF DOCTOR  
DOCTOR RAVI GUPTA  
IN HIS INDIVIDUAL CAPACITY  
and HIS OFFICIAL CAPACITY

and

MEDICAL STAFF PHARMACIST  
CHRISTINA KANNEL  
IN HER INDIVIDUAL CAPACITY  
and HER OFFICIAL CAPACITY  
DEFENDANTS,

et. al,

CASE No. # 14-cv-00661-1  
REBUTTAL BRIEF TO  
DEFENDANT MOTION FOR  
SUMMARY JUDGEMENT

DOC NO  
REC'D/FILED  
2015 OCT -6 AM 9:40  
PETER OPPENBER  
CLERK US DIST COURT  
WD OF WI

Come now Pre-Se Plaintiff Samuel Haywood Myles, who respectfully seek to file and Brief before and within The United States District Court For The Western District Of Wisconsin, with end Rebuttal Brief To Object The Defendant's Motion For Summary Judgment Prior To Discovery.

Come now Pro-Se Plaintiff Samuel Heywood Myles, who respectfully seek to file and Brief before and within The United States District Court For The Western District of Wisconsin, with and Rebuttal Brief To Object The Defendant's Motion For Summary Judgment Prior To Discovery.

Defendant Christine Kennel, ... (licenses) ... with formal permission from a governmental (or) other constitution authority who whole and Bachelor of Pharmacy and a Master of Pharmacy.

Defendant Christine Kennel, one who attended and college (or) institution for higher learn, a constituent unit of a university, furnishing courses of instruction in the liberal arts and sciences, usually leading too and bachelor degree an institution for vocational, technical, (or) professional instruction, as in Medicine, Pharmacy.

Defendant Christine Kennel, who to Plaintiff understanding whole's both and Bachelor and Master and individual that's skilled and train within the Medical field and license Pharmacist.

Defendant Christine Kennel, an individual that's skilled and trained within the Medical Field of Pharmacy as an end license Pharmacist after some ... (five) ... year's of college one who ... (could) ... be the es ... ("Doctor of Pharmacy") ... only, after receiving her degree's ...

"core of operative facts" is that ... Defendant and person engaged, employed, and skilled within the branch of medicine within the Medical Field as an end license Pharmacist to prepare and dispense drugs and prescriptions ... Defendant Christine Kennel, ... (who) ... is an end license Pharmacist with specialized knowledge and comprehensible reason an individual that can come forward with the full Medical Terminology and as to the functioning of an end skill Medical Pharmacist.

... (Plaintiff Samuel Haywood Myles, suffered cruel and unusual punishment while incarcerated at Federal Correctional Institution Oxford, from gross negligence defendant is in violation of Plaintiff constitutional rights to be free from cruel and unusual punishment defendant is liable for end Medical-overdose) ...

Defendant Christine Kennel, is not and... (leyson)  
... within the Medical Pill of medicine defendant...  
(personally)... while some several degrees one who can  
reveal the full standard of care when it comes to the giv-  
ing of end... (license Pharmacist)...

Medical staff Pharmacist negligent (or) wrongful  
act or omission while acting within the scope of her  
office of employment as end license Pharmacist who  
have end has violated or been in violation of...

- (1). Duty: "on act or cause of action that is  
demanded of one..."
- (2). Breach: "to fail to fulfill (a promise)..."
- (3). Causation: "the act or process of causation"  
...
- (4). Damages: "loss or harm resulting from injury  
to person..."

Plaintiff claim that Medical Staff Official must provide  
Inmate's with fair treatment, Medical Staff (or) Prison  
Official's must comply with their own mandatory  
regulation...

... (to keep Plaintiff from harm, and to provide Plaintiff with reasonable medical care... defendant for negligent (or) wrongful act (or) employment)...

Defendant Christine Kennel, who acted contrary to established policy in which Plaintiff has liberty, the establishment in the policy for violation of Plaintiff civil rights claim for deliberate indifference regarding to Plaintiff Medical needs...

Defendant Christine Kennel, and... (license)... and practicing experience with the knowledge and skill Pharmacist who personally gave Plaintiff Samuel Haywood Myles, and incorrect dosage of Medication causing Plaintiff to have and adverse reaction from and combination of two high blood pressure Medications...

Defendant in violation of Plaintiff constitutional rights under the Eighth and Fourteenth Amendment of the United States Constitution, Plaintiff Claim against Defendant for... (injuries)... sustained as a result of an Medical overdose defendant who is liable for the amount of Unreasonably danger cause by and from and incorrect dosage of Medication...

Defendant Christine Kennel, gave Plaintiff Samuel Haywood Myles, the incorrect dose of two... (Hypertension)... Medication's...

(1). enLODIPine

(2). LISINAPR

and which would cause and medical overdose from and adverse reaction defendant Christine Kennel, is and license train Pharmacist and... (person)... who dispense prepare... (Medication (or) Medicine)...

... (and Inmate may have and liberty interest arising from a statutory rule (or) regulation written in mandatory language... due process may also be implicated when a prisoner suffer's personal injury (or) loss of property)...

Because there are actual questions that... (Defendant Christina Kennel, is and license and train Pharmacist knew (or) should have known that additional... (monitoring) ... should have taken place...

(1). problem with proper dosage from Defendant... (2). Defendant and license Pharmacist with substantial evidence from and within the Medical Pill... (3). Defendant create a duty of liability even to Plaintiff... (4). Defendant liable for Medical overdose from and incorrect dosage... (5). Defendant cause Plaintiff to suffered cruel and unusual punishments... (6). Defendant failure to exercises the proper care... (7). Defendant under the objective test, an official, even if he is acting in the sincere subjective belief that he is doing right, loses his cloak of qualified immunity if his actions contravene settled, indisputable law... (8). Defendant thus, an official is liable under § 1983 if he knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the person affected... (9). Defendant official immunity doctrine, an official forfeits his immunity, if whatever the objective state of the law at the time of his conduct, his subjective... (to cause)... harm to Plaintiff... (10). Defendant that an official either actually intended to do harm to the plaintiff, or took an action which, although not intended to do harm, was so likely to produce injury that the harm can be characterized as substantially certain to result

...

Come now, Pre-Se Plaintiff Samuel Haywood Myles, who respectfully seek to file and Brief before and within The United States District Court For The Western District of Wisconsin with and Re Lettrel Brief To Object The Defendant's Motion For Summary Judgment Prior To Discovery.

Defendant's Attorney file and Brief in support of and Motion For Summary Judgment and that Defendant Christine Kennel, should be entitled to absolute immunity Plaintiff Prior To Discovery.

Come now, Pre-Se Plaintiff Samuel Haywood Myles, who respectfully seek to file and ("Brief") before and within The United States District Court For The Western District of Wisconsin, Pre-Se Plaintiff Samuel Haywood Myles, Pray that the District Court ... (GRANT) ... Plaintiff Motion to Re Lettrel Brief To Object The Defendant's Motion For Summary Judgment Prior To Discovery.

Come now, Pre-Se Plaintiff Samuel Haywood Myles, ... (Pray) ... that the United States District Court For The Western District of Wisconsin, that this Court ... (GRANT LEAVE) ... to Plaintiff Motion to seek Re Lettrel Brief To Object The Defendants Motion For Summary Judgment Prior To Discovery.

Samuel Haywood Myles



CERTIFICATE OF SERVICE

I, Samuel Haywood Myler hereby certify that I have served a true and correct copy of following:

Re: That Brief To Object The  
Defendant's Motion For Summary  
Judgment Prior To Discovery

Which is deemed filed at the time it was delivered to prison authorities for forwarding to the Court,  
Houston vs. Lack, 101 L. Ed. 2d 245 (1988)  
upon the Court and parties to litigation and his/her attorney(s) of record, by placing same in a sealed postage prepaid envelope address:

United States Attorney Office  
Western District of Wisconsin  
222 West Washington Avenue  
Suite 700

Madison, Wisconsin 53703

and deposited same in the United States Mail at the Federal Correctional Institution Milan, located in Milan, Michigan.

this 30 Day of September 2015 Samuel Haywood Myler

CERTIFICATE OF SERVICE

I, Samuel Haywood Myles, hereby certify that I have served a true and correct copy of following:

Rebuttal Brief To Object The  
Defendant's Motion For Summary  
Judgment Prior To Discovery  
Which is deemed filed at the time it was delivered  
to prison authorities for forwarding to the Court,  
Houston vs. Lack, 101 L. Ed. 2d 245 (1988)  
upon the Court and parties to litigation and his/her att-  
orney(s) of record, by placing same in a sealed, postage  
prepaid envelope addressed:

United States District of Wisconsin  
For The Western District of Wisconsin  
120 North Henry Street Room 320  
Madison, Wisconsin 53703

and deposited same in the United States Postage Mail  
at the Federal Correctional Institution Milan, located  
in Milan, Michigan,

this: 30 Day of September, 2015 Samuel Haywood Myles